

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**TO:** Pilar Carrillo Cabrera and Genevieve Ann Chamberlin  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** December 1, 2017  
**SUBJECT:** Proposed initiative measure #82, concerning issuance of identification documents by the department of revenue

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

An earlier version of this proposed initiative, proposed initiative 2017-2018 #71, was the subject of a memorandum dated November 9, 2017, and the comments and questions raised by that memorandum were discussed at a public meeting on November 14, 2017. The substantive and technical comments and questions raised in this memorandum will not include those that were addressed at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

## **Purposes**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To allow a person who is not lawfully present in the United States to obtain a driver's license, minor driver's license, instruction permit, or identification card (collectively defined in statute as an "identification document") from the department of revenue upon presentation of a social security card or other document evidencing a valid social security number, as an alternative to documenting an individual taxpayer identification number (ITIN);
2. To allow a person who is not lawfully present in the United States to obtain a replacement for an identification document that has been lost, stolen, or destroyed in the same manner as other persons may do so;
3. To extend the renewal-by-mail, electronic renewal, and delay-of-expiration provisions for driver's licenses to include licenses issued to persons not lawfully present in the United States;
4. To require all motor vehicle offices of the department of revenue to issue identification documents;
5. To prohibit the department of revenue from limiting the number of identification documents issued; and
6. To appropriate money to the department of revenue to fund the issuance of identification documents in accordance with the proposed initiative.

## **Substantive Comments and Questions**

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Under section 1-40-105.5, Colorado Revised Statutes, the director of research of the legislative council is required to prepare an initial fiscal impact statement, which includes an abstract that appears on petition sections, for each initiative that is submitted to the Title Board. In preparing the statement, the director is required to consider any fiscal impact estimate prepared by the proponents.

- a. Will you submit the initiative to the Title Board? If so, when do you intend to do so?
  - b. Are you submitting a fiscal impact estimate today? If not, do you plan to submit an estimate in the future, and if so, when do you intend to do so?
  - c. To ensure that there is time for consideration, you are strongly encouraged to submit your estimate, if any, at least 12 days before the measure is scheduled for a Title Board hearing. The estimate should be submitted to the legislative council staff at [BallotImpactEstimates.ga@state.co.us](mailto:BallotImpactEstimates.ga@state.co.us).
3. On line 5 of page 6, the acronym "DRIVES" is attributed to the "DMV IT system ... Support".
  - a. Are the proponents aware that the program's official name is "Colorado Driver License, Record, Identification and Vehicle Enterprise Solution"? Is "DMV IT system" intended as a reference to that program?
  - b. Is "IT" intended as an acronym for "information technology"? If so, is "IT system ... support" intended to limit the purposes to which the appropriated money may be applied, or may it be applied to support any aspect of the Colorado DRIVES program?

## Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. The actions in the amending clause for Section 1 (and all sections) should be separated by a semicolon with the verbs in bold, i.e., "**amend** (1) introductory portion; and **add** (4) and (5) as follows:".
2. The "and" at the end of 42-2-505 (1)(c)(II) (page 2, line 2) is new language, and, as such, it should be shown in small capital letters. (The existing "and", on page 1, line 10, has been changed to "or", so a new "and" is needed.)
3. Line 3 of page 2 begins with "(III)" and line 5 begins with "(IV)". Will the proponents change the Roman numerals to "(4)" and "(5)", respectively, to match the references in the amending clause on page 1, line 3?

4. On page 2, line 12, the "I" in "IN" should not be initial capitalized.
5. The headnote for 42-2-118, C.R.S., on page 3, line 13, names the "Emily Maureen Ellen Keyes organ and tissue donation awareness fund". Are the proponents aware that the current headnote in statute reads "Emily Keyes - John W. Buckner organ and tissue donation awareness fund"? To avoid inadvertently renaming the fund, the current headnote should be used.
6. The sentence that begins "The department" on page 4, line 17, is ambiguous as amended by the proponents. Should the word "no" be shown in stricken type so that the new sentence begins, "The department shall not grant more than one extension...?" Would this change affect the end of the sentence, which reads, "...no more than two extensions"? It is unclear if and by how many the proponents want to limit extensions.
7. The second sentence in section 6 is not a complete sentence. Will the proponents consider adding the verb "is" after the word "appropriation"?